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SENATE BILL 2837 By
Person

HOUSE BILL 3053
By Westmoreland

AN ACT to amend Tennessee Code Annotated, Title 63, relative to health care providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 6 as a new chapter.

SECTION 2. As used in this act, "Advertising" includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in, or on, any building; or in any newspaper, magazine, directory, or other printed matter designed to attract public attention to the practice of a health care provider who is licensed to practice in Tennessee. Advertising also includes business solicitations communicated by individuals, radio, video, Internet, or television broadcasting or any other means designated to secure public attention.

SECTION 3. It is unlawful for any person or for any business entity, its employees, agents or representatives to use in connection with such person's or entity's name, or the name or activity of the business, the words, "physician," "doctor," "osteopathic physician" or the letters, "MD," or "DO" or any other words, abbreviations or insignia indicating or implying directly or

indirectly that health care services are provided by a health care provider unless the provider is licensed pursuant to Title 63, Chapter 6 or 9.

SECTION 4. It is unlawful for any health care provider to advertise as a "physician" or "doctor" unless that person is licensed pursuant to Title 63, Chapter 6 or 9.

SECTION 5. Nothing in this chapter shall be construed as restricting a person licensed or certified under any other law of this state from engaging in the profession or practice for which the person is licensed or certified; provided, that the person does not claim or advertise to be a doctor or physician.

SECTION 6.

(a) Any person violating the provisions of this act commits a Class B misdemeanor for each violation.

(b) The board of medical examiners may authorize an investigation of any person to the extent necessary to determine if the person is in violation of this act and has the authority to issue civil penalties pursuant to § 63-1-134 against any such person found guilty of its violation.

(c) The board of medical examiners may, through the office of the attorney general and reporter, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing an act in violation of this section.

SECTION 7. This act shall take effect July 1, 2002, the public welfare requiring it.